

4002-006



RECEIVED

AUG 18 2005

PATENT

TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JOHN BOTT et al.

Group Art Unit:

Serial No. 09/762,163

Examiner:

Filed: March 9, 2001

For: AUTOMATED IMMUNOASSAY APPARATUS WITH FLEXIBLE PICK-UP
ARM

REQUEST FOR RECONSIDERATION

Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

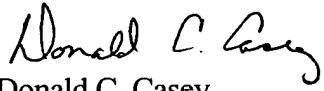
In a paper dated June 6, 2005 Applicant's petition to revive the above case was dismissed without prejudice. The attorney adviser quoted Section 201.03 of the MPEP as authority to dismiss the petition. In fact however the declaration which was filed listed all four (4) inventors on page 1 and identified each individual inventor by a number, i.e., 201, 202, 203, and 204. On page 2 of the declaration 3 of the inventors signed. The signatures were inventors 201, 202, and 204. Page 3 contained the signature of inventor 203. By using the identification numbers, it is submitted that a single declaration was filed and not several individual declarations. The attorney advisor emphasized the following sentence "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into 1 declaration" and the example given is a declaration naming only

A as the inventor and signed by A and a different declaration naming only B as inventor and signed by B. That is not the case here. As indicated above, all four inventors were named on the declaration, and the declaration, it is submitted, was properly executed. In fact all inventors signed on the same day, August 17, 2004.

It is requested then that the decision dismissing the petition be reconsidered and withdrawn.

The fee for a two (2) month extension of time is attached hereto.

Respectfully submitted,


Donald C. Casey
Registration No. 24,022

311 North Washington Street
Suite 100
Alexandria, VA 22314
(703) 548-2131 DCC:nwl
Date: August 11, 2005